

Dkt. 65507-B/JPW/FHB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Louis Paul Deiss, et al.  
U.S. Serial No. : 09/499,553  
Filed : February 7, 2000  
For : GENE IDENTIFICATION METHOD

1185 Avenue of the Americas  
New York, New York 10036  
July 23, 2002

Assistant Commissioner For Patents  
P.O. Box 2327  
Arlington, VA 22202

Box: Sequence

Sir:

COMMUNICATION IN RESPONSE TO JULY 10, 2002 NOTICE OF NOTICE TO  
COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

This Communication is submitted in response to the July 10, 2002 Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures issued by the United States Patent and Trademark Office in connection with the above-identified application. A copy of the Notice To Comply is attached hereto as **Exhibit A**. The Notice provides a period of two months for filing a response. A response to this July 10, 2002 Notice is due on September 10, 2002. Accordingly, this Communication is being timely filed.

The Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures indicates that a copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

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In response, applicants are filing copies of the paper copy of the Sequence Listing (21 pages), attached hereto as **Exhibit B**, and Statement in Accordance With 37 C.F.R. §1.821(f), attached hereto as **Exhibit C**, which were both filed on October 20, 1999 with U.S. Serial No. 09/294,782, now U.S. Patent No. 6,057,111 issued, May 2, 2000.

The Sequence Listing in the subject application is identical to that filed with the parent of the subject application, U.S. Serial No. 09/294,782, filed July 6, 1999, now U.S. Patent No. 6,057,111, issued, May 2, 2000. In Accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed in U.S. Serial No. 09/294,782 as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the sequence listing that will be used for the instant application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

Applicants : Louis Paul Deiss, et al.

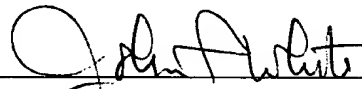
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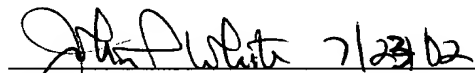
No fee is deemed necessary in connection with the filing of this response. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White  
Registration No. 28,678  
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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202, Attn.: Box Sequence

  
John P. White      Date  
Reg. No. 28,678



JUL 26 2002

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/499,553	02/07/2000	Louis Paul Deiss	0168.00079

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2m. 9.10.02

3m. 10.10.02

4m. 11.10.02

5m. 12.10.02

6m. 1.10.03

7m. 2.10.03 AP

CONFIRMATION NO. 1435

## FORMALITIES LETTER



\*OC000000008428474\*

Date Mailed: 07/10/2002

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES

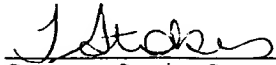
Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

*A copy of this notice MUST be returned with the reply.*

A handwritten signature in black ink, appearing to read "J. Stokes", is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY